

**RIO DELL CITY COUNCIL  
REGULAR MEETING  
NOVEMBER 7, 2017 2017  
MINUTES**

The regular meeting of the Rio Dell City Council was called to order at 6:30 p.m. by Mayor Wilson.

ROLL CALL:           Present:       Mayor Wilson, Councilmembers Garnes, Marks and Strahan

                          Absent:       Mayor Pro Tem Johnson (excused)

                          Others Present:   City Manager Knopp, Community Development Director Caldwell, Water/Roadways Superintendent Jensen, City Clerk Dunham and City Attorney Gans

                          Absent:       Acting Chief of Police Beauchaine and Finance Director Woodcox (excused)

**CEREMONIAL MATTERS**

Proclamation – National American Indian Heritage Month

Mayor Wilson read the proclamation in recognition of November as National American Indian Heritage Month and presented it to Virginia Howard Mullan, Chair of the American Indians Committee.

**PUBLIC PRESENTATIONS**

**Nick Angeloff** provided an update on Chamber of Commerce activities and thanked Harry Smith (Root 101) for joining the Chamber of Commerce and for his donation along with others for the Christmas decorations noting that they were completing the last two cutouts. He then presented a check to the Mayor in the amount of \$1,500 from the Headwaters Fund for the Wildwood Ave. Sculptures. He also announced the Annual Tree Lighting Event was scheduled for December 2<sup>nd</sup> from 5-6 p.m. at Wildwood and Columbus. He noted that with the concurrence of Wendt Construction, the annual event will be named "The Dennis Wendt Tree Lighting Ceremony."

**Harry Smith**, Root 101 informed the Council that he would be picking up the trees the following day that he committed to replace from the median removal project. He also announced the opening of Wildwood Waffles and noted there will be an official ribbon cutting ceremony at a later date.

**CONSENT CALENDAR**

Mayor Wilson removed items (6) and (7) from the consent calendar for separate discussion.

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Motion was made by Garnes/Strahan to approve the remaining consent calendar items including minutes of the October 17, 2017 regular meeting; approval of Pay Request No. 2 in the amount of \$45,047.25 to DCI Builders for work related to the Architectural Barrier Removal (ABR) Project; approval of Pay Request No. 8 in the amount of \$176,945.42 to Wahlund Construction for work related to the Metropolitan Wells Project; to receive and file and the FY 2017/18 Quarterly Update on Measure Z funding; and approval of Resolution No. 1363-2017 approving a budget transfer for repair and maintenance costs to date for the Wastewater System Painter St. Lift Station. Motion carried 4-0.

**ITEMS REMOVED FROM THE CONSENT CALENDAR**

Resolution No. 1364-2017 Adding an Open Door Policy to the City of Rio Dell Employee Handbook

Mayor Wilson questioned the process for establishing the Adhoc Committee related to the Open Door Policy.

City Attorney Gans said the recommendation is to agenize it for the next regular meeting on November 21, 2017 and establish the committee at that time.

Motion was made by Wilson/Garnes to adopt Resolution No. 1364-2017 *Adding Section 3.41 Entitled "Open Door Policy" to the City of Rio Dell Handbook*. Motion carried 4-0.

Approve Resolution No. 1365-2017 Designating the City Manager as the Authorized Representative for the Grant Application Related to a Sanitary Sewer Evaluation Study

Mayor Wilson questioned the amount of the budget adjustment as mentioned in the staff report for the Scope of Services with the City's engineer.

City Manager Knopp stated for clarification that there was an error in the staff report and that submission of the grant application does not include a cost to the city as it is contingent on successful receipt of the grant.

Motion was made by Wilson/Garnes to approve Resolution No. 1365-2017 ***Designating the City Manager as the Authorized Representative to File a Financial Assistance Application with the State Water Resources Control Board for a Sanitary Sewer Evaluation Study***. Motion carried 4-0.

City Attorney Gans and Water/Roadways Superintendent Jensen left the meeting at this time, 6:45 p.m.

**SPECIAL PRESENTATIONS**

Presentation – Concept of Skate Park in Rio Dell

Amanda Shelton and Charles Caldwell from the Humboldt Skate Park Collective were present to provide a power point presentation on the concept of a skate park in Rio Dell.

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Charles began by stating that the mission statement of the non-profit collective is to enhance community spirit, provide a safe, fun, active environment, facilitate interaction between and among generations, foster economic growth and community development, get skate parks throughout Humboldt County, and enhance tourism.

He explained that the reason they would like to see a skate park in Rio Dell is that it provides active park space, gets kids outside, and the parks are safe and easy to maintain.

Amanda Shelton said the main focus for being present this evening is to talk about potential property sites for a skate park. She indicated that the city manager provided her with a list of potential properties and she wrote letters to those property owners to see if they had any property they would like to donate but was unsuccessful in receiving any positive responses. She indicated that she also had spoken to Leslie Yale, the former Rio Dell School Superintendent about the possibility of donating a portion of the school property east of the tennis courts but had not had a chance to follow up with the current administration. The other potential option was the city property at the end of Edwards Dr. near the Wastewater Treatment Plant.

It was noted that multiple fund raisers were held including a spaghetti feed during Wildwood Days and they have collected close to \$3,000 for Rio Dell which will be enough to begin the design phase of the project. Once the design is done, possible grants can then be pursued.

Charles indicated that before moving forward they would like to see if the City Council is on board with the idea of having a skate park in the city and if so, they will do whatever possible to help make it happen.

Councilmember Garnes questioned the cost to construct a skate park.

The estimated cost for the proposed park in McKinleyville was reported at \$800,000 with the goal to try and get the cost down around \$300,000-\$400,000.

Councilmember Strahan asked how many skate parks there are currently in Humboldt County.

The response was that there are only two outdoor parks (Eureka and Arcata) and one indoor facility (RampArt) which is also located in Arcata.

Discussion continued regarding the timeline and schedule for constructing a skate park, direct and indirect stakeholders and property acquisition.

Charles commented that they are asking for concurrence to start working on the two perspective sites for a skate park; first by meeting with the school representatives to pursue that option and if that doesn't materialize, then perhaps revisit the Edwards Dr. location.

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Councilmember Garnes expressed support for the project and liked the idea of three years to construct a park rather than 20 years. She mentioned that she had attended a League of California Cities workshop in Ft. Bragg and she had observed that the new skate park they constructed was packed with kids and adults. She said having a skate park in Rio Dell would send the message out to kids to get off of their electronic devices and get outside.

Councilmember Marks also thought a skate park would be a worthwhile project to pursue.

Councilmember Strahan agreed but was concerned about funding for the project. She asked if the plan is for the City to try and pull in grant funding to construct the project.

Charles clarified that they are attempting to fund everything from outside and are not asking the City for any money at this point. He said that they are aware that funding is tight which is why they are taking a different approach with Rio Dell than they are with some of the other communities.

Councilmember Strahan added that a skate park would be great for the community and it would be an excellent idea to be able to utilize the school property. She said one of the goals of the city is to improve streets to get kids to and from school safely and agreed that there are a lot of kids out riding skateboards that would benefit from a skate park. She thanked them for their time to come and address the Council.

Mayor Wilson supported the idea and encouraged them to approach the new school administrators to try and work something out.

Mayor Wilson called for public comment on the subject.

**Julie Woodall** asked if the city were to provide the land if the park would fall under the city's liability insurance.

Charles explained that typically communities already have some sort of recreation insurance and skate parks, because of a law that was changed in the early 1990's allows them to fall under the same category as other recreation activities. As such, a skate park would probably not affect the city's coverage as far as cost.

City Manager Knopp pointed out that Rio Dell is not a city that has recreation programs in place and so if and when property is acquired, staff would have to look further into the insurance costs. He said historically what has happened with parks grants is that the city has acquired them and used them to construct improvements on either school property or fire department property, referring to the tennis courts at the Davis St. Park and the playground equipment and restrooms at Fireman's Park.

Presentation – Employment Development Department (EDD) on Labor Market Information

Randy Weaver, Labor Market Consultant from EDD provided a presentation on a *Labor Market Overview for Rio Dell*. He began by stating that a skate park is an excellent example of what millennials are looking for in a community such as the city and noted that Cooper Gulch in Eureka has been transformed with their skate park.

Topics of the presentation included:

- 5-Year Population Trend
- Median Age Comparison
- Rio Dell Population Distribution
- Education Attainment
- Household Income Distribution
- Rio Dell Worker Destination
- Where Rio Dell Workers Live
- Unemployment Rate
- Rio Dell Job Change 2005-2015
- Commuter Change by Industry 2005-2015
- Cannabis Concentration

Key points of the presentation revealed that there is a good percentage of the working age population in Rio Dell; a lower poverty rate than the county; Rio Dell is primarily a commuter community; there is positive employment growth; and the cannabis industry is slowly emerging in the city.

**ORDINANCES/SPECIAL RESOLUTIONS/PUBLIC HEARINGS**

Introduction and First Reading (by title only) of Ordinance No. 362-2017 Amending Section 17.30.235 of the Rio Dell Municipal Code (RDMC) Personal Cannabis Cultivation Regulations  
Community Development Director Caldwell provided a staff report on the proposed ordinance amending Section 17.30.235 of the Rio Dell Municipal Code (RDMC) related to the City's Personal Cannabis Cultivation Regulations.

He explained that Councilmember Garnes recently returned from the League of California Cities Annual Conference where she attended a workshop on Proposition 64 and learned that jurisdictions must allow cultivation within a residence since residents who live in apartment complexes or dwellings that do not have access to detached accessory buildings would not be able to cultivate cannabis for their personal recreational use since they typically don't have access to detached accessory buildings. Since the City's current regulations require that all cultivation activities occur in a detached accessory building, staff is recommending the ordinance be amended to comply with Prop 64.

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Community Development Director Caldwell further explained that under Prop 64, jurisdictions are allowed to reasonably regulate personal cannabis cultivation but cannot prohibit it. He said that the Planning Commission, at their meeting of October 24, 2017 proposed some minor amendments to the proposed ordinance including requiring renters to provide written approval from the property owner and prohibiting cultivation in cargo/shipping containers. He said staff is also recommending that the allowable area for cultivation be reduced from 150 square feet to 50 square feet to be consistent with the medical cannabis cultivation regulations and that the kitchen and bathrooms not be used for cultivation and that they be maintained for their intended use.

Councilmember Strahan asked if Prop 64 specifically spells out that jurisdictions must allow cultivation to occur inside residences.

Councilmember Garnes clarified that as the law was explained to her, jurisdictions cannot prohibit a person from cultivating inside their residence but can make the regulations narrow to say where in the residence they can cultivate. She commented that jurisdictions that don't allow cultivation inside residences can be subject to litigation.

Community Development Director Caldwell commented that staff did reach out to the League of California Cities and Tim Cromartie; Legislative Representative from the League encouraged the city to make the changes to the ordinance to avoid possible litigation down the road.

Mayor Wilson questioned the reason for deleting the definition of "purchaser" and "Sell," "Sale," and "to Sell" in the revised ordinance.

Community Development Director Caldwell indicated that the City Attorney recommended the deletion of those definitions and was not sure why but would find out the reason.

Councilmember Marks asked if a resident that has the ability to use an accessory building is required to use it or if they can use the residence for cultivation.

Community Development Director Caldwell indicated that they could use the residence regardless if they have access to an accessory structure.

Councilmember Strahan asked if it is legal for a landlord to prohibit cultivation within a rental unit.

Community Development Director Caldwell explained that it is at the discretion of the property owner and the terms of the rental agreement.

Mayor Wilson opened the public hearing to receive public comment on the proposed ordinance. There being no public comment, the public hearing closed.



Motion was made by Garnes/Marks to introduce and conduct first reading (by title only) of Ordinance No. 362-2017 **Amending Section 17.30.235 of the Rio Dell Municipal Code (RDMC) Personal Cannabis Cultivation Regulations** and to continue consideration, approval and adoption of the proposed Ordinance to the meeting of November 21, 2017. Motion carried 3-1; Councilmember Strahan cast the dissenting vote.

## REPORTS/STAFF COMMUNICATIONS

City Manager Knopp distributed a written City Manager Update of recent activities and events (Attachment 1 to these minutes) and reported that the first art sculpture was installed in the Wildwood median; the Council could expect to consider joining a Regional Recycling MOU at the next meeting; staff will begin work on a variety of Public Works RFP's over the next couple of months; staff was contacted by a cannabis research and laboratory service looking for commercial space to rent or lease; staff has been working with CHP, Caltrans and Fish & Game to have an abandoned truck removed from the river underneath the "Mudgett" Bridge; staff continues to work through a process with the hiring of a new Chief of Police; staff will be presenting a regulatory compliance project related to the wastewater to the Council for approval at the next meeting; provided a brief update on the final closeout of the Metropolitan Wells project; and reported on the update of the City's website.

Councilmember Strahan referred to the truck removal underneath the bridge and asked about the possibility of installing a gate at that entrance to the river due to increased activity and accumulation of trash and garbage.

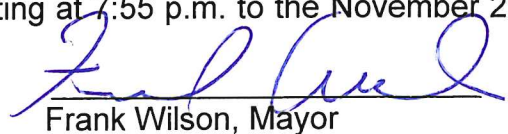
Mayor Wilson thanked staff for getting the new city website launched.

Community Development Director Caldwell reported on recent activities in the community development department and announced at the next regular meeting of the Planning Commission scheduled for November 28<sup>th</sup> staff will be presenting revisions to the Sign regulations.

City Manager Knopp reported that the finance director was out on medical leave but should be back at the next meeting.

## ADJOURNMENT

Motion was made by Strahan/Wilson to adjourn the meeting at 7:55 p.m. to the November 21, 2017 regular meeting. Motion carried 4-0.

  
Frank Wilson, Mayor

Attest:

  
Karen Dunham, City Clerk